
OLR Bill Analysis

sSB 1134

AN ACT CONCERNING OUTDOOR WOOD-BURNING FURNACES.

SUMMARY:

This bill makes several changes to the outdoor wood-burning furnace law. Among other things, it:

1. specifies that the law applies to outdoor wood-burning boilers and hydronic heaters,
2. makes permanent the ban on outdoor wood-burning furnaces that do not meet certain requirements,
3. exempts outdoor wood-burning furnaces installed before July 8, 2005 from the chimney installation height and location requirements,
4. requires all outdoor wood-burning furnaces to burn only clean wood,
5. prohibits selling or offering for sale outdoor wood-burning furnaces unless they meet certain emissions standards, and
6. allows the Department of Energy and Environmental Protection (DEEP) and Department of Public Health (DPH) commissioners and local or regional public health directors to enforce the outdoor wood-burning furnace law.

The bill also requires the Department of Agriculture (DOAG) commissioner, in consultation with the DEEP commissioner, to conduct a survey of the number and location of outdoor wood-burning furnaces in the state. The commissioners must report on the survey's results to the governor and the Environment Committee.

The bill also makes technical changes.

EFFECTIVE DATE: October 1, 2013

OUTDOOR WOOD-BURNING FURNACE DEFINITION

By law, an outdoor wood-burning furnace is an accessory structure or appliance designed to (1) be located outside living space ordinarily used for human habitation and (2) transfer or provide heat, through liquid or other means, by burning wood or solid waste for heating (a) spaces other than where the furnace is located; (b) any other structure or appliance on the premises; or (c) domestic water or water used in a swimming pool, hot tub, or jacuzzi. It excludes fire pits, wood-fired barbecues, or chimineas. The bill specifies that these furnaces include outdoor wood-burning boilers and hydronic heaters (systems that heat and pipe water to nearby buildings).

OPERATION REQUIREMENTS

Current law prohibits people from constructing, installing, establishing, modifying, operating, or using an outdoor wood-burning furnace until the U.S. Environmental Protection Agency (EPA) regulations governing these furnaces take effect (none have been adopted) unless it was built or in use before July 8, 2005 or:

1. is installed at least 200 feet from the nearest home not serviced by it;
2. has a chimney higher than the roof peaks of homes not serviced by it within 500 feet of the furnace, but no higher than 55 feet;
3. burns only non-chemically treated wood; and
4. is installed and operated according to the manufacturer's written instructions, provided the instructions comply with the law.

Under current law, these restrictions terminate if federal regulations take effect. The bill makes these restrictions permanent and modifies some of them.

Under the bill, installed outdoor wood-burning furnaces must have the chimney, not the furnace, placed at least 200 feet from the nearest

home not serviced by it.

The bill also broadens the types of wood prohibited from being burned by these furnaces. It requires burning “clean wood,” as opposed to only non-chemically treated wood. It thus prohibits burning wood that has a paint or stain coating or is treated with a fire-retardant, pesticide, preservative, or other chemical treatment. The bill permits burning wood pellets allowed by law to be sold in Connecticut.

Additionally, the bill exempts an outdoor wood-burning furnace from the chimney height and location installation requirements, but not the other requirements, if its owner or operator provides evidence to the DEEP commissioner that reasonably demonstrates it was installed before July 8, 2005.

SALES PROHIBITION

Beginning October 1, 2013, all outdoor wood-burning furnaces sold or offered for sale must comply with EPA’s Voluntary Phase 2 standards for these furnaces (see BACKGROUND).

ENFORCEMENT

Under current law, the DEEP commissioner enforces the outdoor wood-burning furnace law. Municipalities affected by such furnaces’ operation or potential operation may also enforce it.

The bill instead specifies that the DEEP or DPH commissioners, or a local public health director, may order an outdoor wood-burning furnace owner or operator to remove, make permanently inoperable, or stop using a furnace that does not meet the bill’s installation and operation requirements.

The bill also specifies that it does not prevent the DPH commissioner or a local or regional health officer from issuing an order to abate air pollution from an outdoor wood-burning furnace they determine is a nuisance.

By law, a violation of the outdoor wood-burning furnace law is an

infraction, and violators are subject to a fine of up to \$90. Each day of operating a furnace in violation of the law is a separate violation.

SURVEY

The bill requires the DOAG commissioner to conduct a survey to identify the number and location of outdoor wood-burning furnaces installed or operational in Connecticut as of October 1, 2013. He must do this by October 1, 2014 in conjunction with the DEEP commissioner. By the same date, the commissioners must report the survey's results to the governor and the Environment Committee.

BACKGROUND

Emissions Standards

While indoor wood stoves must meet EPA-certified emissions levels, outdoor wood-burning furnaces are not required to meet a federal emission standard. In 2007, EPA began a voluntary partnership with manufacturers to design and market cleaner, more efficient furnaces. The furnaces are certified and labeled to meet EPA emissions performance levels in two phases: Phase 1 emissions levels of 0.60 pounds of particulate matter per million British thermal units (BTUs) of heat output and Phase 2 emissions levels of 0.32 pounds of particulate matter per million BTUs of heat output.

Nuisance Abatement

Under DPH regulations, local health directors must investigate a nuisance or pollution when they are informed of it or it comes to their attention. If they find the nuisance or pollution exists, they must issue a written abatement order. The order must (1) specify the nature of the nuisance or pollution and (2) designate the time to abate or discontinue it. If the order is not complied with, the local health director must submit the information to the prosecutor (Conn. Agency Regs. § 19-13-B2).

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 24 Nay 5 (03/27/2013)